

F. No. 296/202/2017-CX-9
Government of India
Ministry of Finance
Department of Revenue
Central Board of Customs & Excise

New Delhi, the Sep 2017

To,

All Principal Chief/ Chief Commissioners of CX & GST,
Director General of Performance Management.

Sub: Writing off of arrears of Central Excise, Service Tax and Customs duty - Constitution of Committees to advise the authority for writing off of arrears-reg.

Madam/Sir,

I am directed to invite reference to the instructions contained in Board's Circular No.946/07/2011 dated 01.06.2011 issued vide F.No. 296/10/2009-CX.9, on the subject of write off of arrears of irrecoverable dues.

2. Vide the aforesaid Circular, Board had decided to constitute three - member Committees of Chief Commissioners and Commissioners, which will examine the proposals for write - off of irrecoverable arrears and recommend deserving cases to the authority competent to order such write - off in terms of the Board's Circular dated 21.9.1990.

3. In the 2nd राजस्वज्ञानसंगम (Rajaswa Gyan Sangam)- All India Annual Conference of Tax Administrators” 2017, in his inaugural speech the Hon’ble Prime Minister pointed out the huge amount of pending arrears and has desired that an Action Plan may be put in place to eliminate pendency. Consequent to the Hon’ble Prime Minister’s directions, Commissioner (TAR) has proposed that being the only officer in TAR, it becomes impossible for him to attend meetings for write-off of arrears all over India, Similarly in the Committee of Chief Commissioners, Chief Commissioner (TAR) / DGPM is also a member in the Committees all over India, Being in charge of DGPM, he too cannot attend all the meetings in this regard which causes delay in write off of tax arrears. Commissioner (TAR) has requested that the name of both the officers Chief Commissioner (TAR) / DGPM and Commissioner (TAR), may be deleted from these two Committees.

4. The matter has been examined. It has been decided that in place of DG (DGPM) and Commissioner (TAR), other Chief Commissioner or Equivalent / Commissioners available in the zone may be included in the Committee.

Consequently, the constitution of the Committees and the powers to write off, delegated to the competent authorities are as under:-

Sl. No.	Competent Authority	Constitution of the Committee	Powers delegated
1.	Chief Commissioner GST & CX	Committee of three Chief Commissioners of GST & CX or Equivalent rank officers.	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under Customs Act, 1962, and Central Excise Act, 1944. (b) To write off irrecoverable amounts of Customs/Central Excise duties upto Rs. 15 lakh subject to a report to the Board.
2.	Commissioner of GST & CX	Committee of three Commissioners GST & CX or equivalent rank officers.	(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under Customs Act, 1962, and Central Excise Act, 1944. (b) To write off irrecoverable amounts of Customs/Central Excise duties upto Rs. 10 lakh subject to a report to the Chief Commissioner.

5. As regards write off of interest amount, it is clarified that once duty/ tax involved is written off, the interest due thereon would get automatically written off. It is also clarified that the duty/ tax involved in the case would determine the level of authority/Committee competent to write off the amount involved.

6. The field formations are, therefore, directed to take action on the above lines. If any difficulty is faced, the same should be brought to the notice of the Board.

Yours faithfully,

(V.Ganesh kumar)

Under Secretary to the Govt. of India